

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1750

By: Representative Unger

By: Senator M. McKee

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CARRYING A WEAPON AND CARRYING A CONCEALED WEAPON; TO ALLOW CERTAIN PERSONS TO CARRY A WEAPON ON DEPARTMENT OF CORRECTIONS PROPERTY IN CERTAIN CIRCUMSTANCES; TO AUTHORIZE MEMBERS OF THE BOARD OF CORRECTIONS AND CERTAIN DEPARTMENT OF CORRECTIONS APPOINTEES AND EMPLOYEES TO CARRY A CONCEALED HANDGUN IN CERTAIN CIRCUMSTANCES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AUTHORIZE CERTAIN PERSONS TO CARRY A WEAPON ON DEPARTMENT OF CORRECTIONS PROPERTY; TO AUTHORIZE CERTAIN DEPARTMENT OF CORRECTIONS OFFICIALS AND EMPLOYEES TO CARRY A CONCEALED HANDGUN; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-73-120(c), concerning the times when it is permissible to carry a weapon, is amended to read as follows:

(c) ~~It is permissible to carry a weapon~~ A person is presumed to be carrying a weapon with a lawful purpose under this section if at the time of the act of carrying the weapon:

(1) The person is in his or her own dwelling, in his or her



personal vehicle, in his or her place of business, or on property in which he or she has a possessory or proprietary interest;

(2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;

(3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;

(4) The person is carrying a weapon when upon a journey, unless the journey is through a commercial airport when presenting at the security checkpoint in the airport or is in the person's checked baggage and is not a lawfully declared weapon;

(5) The person is a registered commissioned security guard acting in the course and scope of his or her duties;

(6) The person is hunting game with a handgun that may be hunted with a handgun under rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun;

(7)(A) The person is a certified law enforcement officer, either on-duty or off-duty.

(B) If the person is an off-duty law enforcement officer, he or she may be required by a public school or publicly supported institution of higher education to be in physical possession of a valid identification identifying the person as a law enforcement officer;

(8) The person is in possession of a concealed handgun and has a valid license to carry a concealed handgun under § 5-73-301 et seq., or recognized under § 5-73-321 and is not in a prohibited place as defined by § 5-73-306;

(9) The person is a prosecuting attorney or deputy prosecuting attorney carrying a firearm under § 16-21-147;

(10) The person is in possession of a handgun and is a retired law enforcement officer with a valid concealed carry authorization issued under federal or state law; ~~or~~

(11) The person is in possession of a concealed handgun and is a

current or former district court judge, circuit court judge, Court of Appeals judge, or Supreme Court justice, with a valid license to carry a concealed handgun under § 5-73-301 et seq.; or

(12) The person:

(A) Is an employee of the Department of Corrections;

(B) Is in his or her personal vehicle in a parking lot owned or operated by the department;

(C) Has stored the weapon in a locked storage container that is attached to his or her personal vehicle; and

(D) Has declared in writing to the department his or her intent to carry a weapon and received approval to carry a weapon under this subdivision (c)(12) in writing from the Secretary of the Department of Corrections or his or her designee.

SECTION 2. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended to add an additional section to read as follows:

5-73-328. Board of Corrections exemption.

A member of the Board of Corrections who is a licensee may carry his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a concealed handgun.

SECTION 3. Arkansas Code Title 12, Chapter 15, Subchapter 2, is amended to add an additional section to read as follows:

12-15-208. Department of Corrections employees – Eligibility to carry concealed handgun.

(a) The Secretary of the Department of Corrections or his or her designee may authorize an employee of the Department of Corrections to carry a concealed handgun into a building in which or a location on which a law enforcement officer may carry a concealed handgun, as long as the individual:

(1) Is presently employed with the department;

(2) Is not subject to any disciplinary action that suspends his or her authority to work;

(3) Is carrying a badge or appropriate written photographic identification issued by the department;

(4) Is not otherwise prohibited under federal law from possessing or receiving a firearm;

(5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;

(6) Has provided written authorization for state- and national-level criminal history records screening with the results of the screening showing that the individual is eligible to legally possess and carry a firearm;

(7) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system; and

(8) Has completed a weapons qualification course administered by the department.

(b) The secretary or his or her designee retains full discretion to deny an employee's request under this section.

(c) An individual carrying a concealed handgun under this section shall annually complete a weapons requalification course administered by the department.

(d) An individual authorized to carry a concealed handgun under this section:

(1) Shall immediately be prohibited from carrying a concealed handgun under this section if the individual no longer meets the criteria stated in subdivisions (a)(2)-(5) of this section; and

(2) Before his or her last day of employment with the department, may seek authorization from the secretary or his or her designee to continue to carry a concealed handgun under this section for an additional six (6) months after his or her last day of employment with the department.

(e)(1) The secretary shall maintain a list of individuals authorized to carry a concealed handgun under this section.

(2) The list required under subdivision (e)(1) of this section:

(A) Shall identify the name and location of assignment for each individual authorized to carry a concealed handgun under this section;

(B) Shall be kept confidential; and

(C) Is not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Secretary of the Department of Corrections and other corrections officials and employees are

subject to an increased risk of receiving death threats and being the victim of acts of violence based on their positions with the state; that the Secretary of the Department of Corrections is in a high-profile position in the state and that other states have provided people in similar positions with a security detail because of the increased risks associated with those positions; and that this act is immediately necessary to preserve public peace and safety by ensuring that those persons in positions with the Department of Corrections that expose them to increased risk of violence and death threats be able to protect themselves and others from harm as they work to ensure public peace and safety are maintained. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.